



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/172003

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 10, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Pierce County Department of Human Services in regard to Medical Assistance, a hearing was held on March 24, 2016, at Ellsworth, Wisconsin.

The issue for determination is whether the agency correctly denied the petitioner's application for BadgerCare Plus because she failed to verify her income and student aid and tuition.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]

Pierce County Department of Human Services  
412 West Kinne Street  
PO Box 670  
Ellsworth, WI 54011

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Pierce County.
2. The petitioner applied for BadgerCare Plus on December 21, 2015.

3. The department notified her on December 22, 2015, that she must provide information about employment at [REDACTED] and the university's dining service as well as her tuition and student aid by January 20, 2016.
4. The petitioner did not provide information about her tuition or [REDACTED] employment by January 20, 2016.
5. The department denied the petitioner's application for BadgerCare Plus on January 21, 2016.

### DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Adults are ineligible if their household income exceeds the federal poverty level, which for a single person like the petitioner is \$980.83. Wis. Stat. § 49.471(4)(a); *BadgerCare Plus Handbook*, § 50.1. . Medicaid rules require recipients to verify various information. Wis. Admin. Code, § DHS 102.03(3). Agencies may deny benefits if an applicant "is able to produce required verifications but refuses or fails to do so." within 10 days of the date they are requested or 30 days of the application, whichever is later. *BadgerCare Plus Handbook*, § 9.2. *see also* Wis. Admin. Code § DHS 102.03(1).

The petitioner applied for medical assistance on December 21, 2015. The agency denied that application on January 21, 2016, because she had not verified when her employment at [REDACTED] ended or what her student loans and tuition were. She indicated that she could not get this information. While I understand that as a student who was also working she was busy, I don't believe she could not obtain this information. She previously applied on October 12, 2015. That application was also denied because she failed to verify her this information. Thus, she had three months to obtain it. Both [REDACTED] and the university should have departments that can provide this information within that time. Therefore, I will uphold the denial.

I note that it appears that the petitioner's income exceeded the federal poverty level until January 2016, so she would have been ineligible for benefits even if she had submitted proper verification. I also note that she can receive retroactive benefits back to the first day of the month three months before an application. This means that if she reapplies by the end of April, she can get benefits back to January 1, 2016, assuming she meets the other eligibility requirements.

### CONCLUSIONS OF LAW

The county agency correctly denied the petitioner's application for medical assistance because she did not verify essential information.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 15th day of April, 2016

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\sMichael D. O'Brien  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on April 15, 2016.

Pierce County Department of Human Services  
Division of Health Care Access and Accountability